



Journal of the Senate

Number 17—Regular Session

Monday, February 27, 2012

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CALL TO ORDER

The Senate was called to order by President Haridopolos at 9:00 a.m.
A quorum present—38:

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Gibson	Sachs
Bogdanoff	Hays	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Margolis	Storms
Diaz de la Portilla	Montford	Thrasher
Evers	Negron	Wise
Fasano	Norman	

Excused: Senators Dockery and Lynn

PRAYER

The following prayer was offered by Rev. David Throckmorton, Director of the Calhoun Liberty Ministry Center, Blountstown:

Our Father, it is with deep humility that we approach you this morning. You are our true and living God. We recognize your abundant and priceless blessings that you have so graciously bestowed upon this great land called the United States of America. We particularly thank you for the great State of Florida. Thank you for these present today who lead us in a myriad of governmental encumbrances and tasks.

Most of us believe that this is a crucial time in the history of our great land. It's a day when the political landscape is confusing. People are looking for answers for their economic misfortunes and it seems that many times there are more questions than answers. We find ourselves in a world situation which the Bible describes as "wars and rumors of wars." The challenges are greater than they have ever been for us.

We acknowledge this day the one thing that can make a difference in our lives, our families, our state, and nation: The very real power of prayer! We remember the words of the songwriter who wrote so appropriately:

"God of grace and God of glory, on thy people pour thy power. Bend our pride to thy control. Grant us wisdom, grant us courage, for the facing of this hour. Grant us wisdom, grant us courage, that we fail not man nor thee, that we fail not man nor thee."

Father, we ask special prayer for Senator Bullard as she leaves and we thank you for your wonderful healing hand upon her life.

Bless all that gather here today. Indeed, Father, grant them wisdom and courage and, most certainly, thy grace. We pray these things in the name of our Lord. Amen.

PLEDGE

Senate Pages, Anthony Barroso of Miami; Ashley Cohrs of Gainesville; Tyler Cowan of DeLand; Margaret Harris of Winter Garden; and Kaitlyn Albarn of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

SPECIAL RECOGNITION OF SENATOR BULLARD

The President introduced Senator Bullard's husband, former Representative Edward Bullard, and their son, Representative Dwight Bullard, who were present in the chamber. Senator Bullard was recognized for farewell remarks. Senator Bullard introduced her son, Vincent Bullard, and daughter, Edwina Simms, who were also present in the chamber. A video tribute was played honoring Senator Bullard. Several Senators were also recognized for farewell comments.

MOTION

On motion by Senator Thrasher, the rules were waived and time of recess was extended until 10:45 a.m.

SPECIAL RECOGNITION OF SENATOR FASANO

A video tribute was played honoring Senator Fasano. Senator Fasano was recognized for farewell remarks. Several Senators were also recognized for farewell comments.

MOTIONS

On motion by Senator Thrasher, the rules were waived and time of recess was extended until 10:59 a.m.

On motion by Senator Thrasher, the rules were waived and time of recess was extended until 11:15 a.m.

SENATOR BENNETT PRESIDING

THE PRESIDENT PRESIDING

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Thrasher, the rules were waived and the Committee on Budget was granted permission to add **SB 1312**, **CS for SB 1782**, **CS for SB 2024**, and **CS for CS for SB 804** to the agenda at the meeting February 28.

On motion by Senator Thrasher, the rules were waived and the Committee on Rules Subcommittee on Ethics and Elections was granted permission to meet at 11:27 a.m. in lieu of 11:00 a.m. as scheduled this day.

On motion by Senator Thrasher, the rules were waived and the Special Order Calendar Group scheduled to meet this day was canceled.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Thrasher, by two-thirds vote **SB 1720** was withdrawn from the Committee on Rules Subcommittee on Ethics and Elections.

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Special Order Calendar Group submits the following bills to be placed on the Special and Continuing Order Calendar for Monday, February 27 and Tuesday, February 28, 2012: CS for SB 192, SM 240, CS for CS for SB 244, CS for CS for CS for SB 268, CS for SB 316, SB 366, CS for CS for SB 406, SJR 408, CS for SB 414, CS for SB 440, CS for SB 488, SB 532, CS for SB 578, SM 672, CS for CS for CS for SB 694, CS for SB 730, CS for SB 752, SB 798, CS for SB 830, CS for SB 844, CS for SB 874, SB 878, CS for SB 954, SB 994, CS for SB 1050, SB 1152, SB 1232, CS for SB 1662, SB 2078.

Respectfully submitted,
John Thrasher, Chair

The Committee on Budget Subcommittee on Finance and Tax recommends committee substitutes for the following: SB 592; SB 982; CS for CS for SB 1060; SJR 1064; CS for CS for SB 1108; CS for SB 1182; SB 1384

The bills with committee substitute attached were referred to the Committee on Budget under the original reference.

The Committee on Health Regulation recommends a committee substitute for the following: SB 1006

The bill with committee substitute attached was referred to the Committee on Commerce and Tourism under the original reference.

INTRODUCTION AND REFERENCE OF BILLS

BILLS REFERRED TO SUBCOMMITTEE

February 27, 2012

Pursuant to Senate Rule 4.6(4), the following have been referred to the Budget Subcommittee on Criminal and Civil Justice Appropriations which will report to this standing committee within 180 days: CS for SB 212, CS for CS for SB 860, CS for SB 940, and CS for CS for SB 996.

Senator JD Alexander, Chair
Committee on Budget

February 27, 2012

Pursuant to Senate Rule 4.6(4), the following has been referred to the Budget Subcommittee on General Government Appropriations which will report to this standing committee within 60 days: CS for CS for SB 680.

Senator JD Alexander, Chair
Committee on Budget

February 27, 2012

Pursuant to Senate Rule 4.6(4), the following have been referred to the Budget Subcommittee on Health and Human Services Appropriations which will report to this standing committee within 60 days: SB 668, CS for SB 1128, and CS for CS for SB 1874.

Senator JD Alexander, Chair
Committee on Budget

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Budget Subcommittee on Finance and Tax; and Senator Siplin—

CS for SB 592—A bill to be entitled An act relating to exemptions from the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for electricity used by fresh fruit and vegetable packinghouses; defining the term “packinghouse”; providing an effective date.

By the Committee on Budget Subcommittee on Finance and Tax; and Senator Bogdanoff—

CS for SB 982—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during this year when the sale of clothing, wallets, bags, and school supplies are exempt from the tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt emergency rules; providing an appropriation; providing an effective date.

By the Committee on Health Regulation; and Senator Latvala—

CS for SB 1006—A bill to be entitled An act relating to health care; creating s. 383.146, F.S.; providing definitions; providing requirements for screening newborns for critical congenital heart disease; providing an exception; requiring that the physician, midwife, or other person attending the newborn maintain a record if the screening has not been performed and attach a written objection signed by the parent or guardian; requiring appropriate documentation of the screening completion in the medical record; requiring that each hospital and each licensed birth center designate a lead physician and a licensed health care provider, respectively, to provide programmatic oversight for the screening; requiring that the screening for critical congenital heart disease be conducted on all newborns in hospitals and birth centers in this state; authorizing the Department of Health to adopt rules to administer the screening program; providing powers and duties of the department; amending s. 499.003, F.S.; revising the definitions of the terms “distribute” or “distribution,” “drug,” “establishment,” “prescription drug,” and “wholesale distribution”; amending s. 499.01, F.S.; deleting provisions relating to an exemption from nonresident prescription drug manufacturer permit requirements; deleting provisions relating to an exemption from out-of-state prescription drug wholesale distributor permit requirements for intracompany sale or transfer of prescription drugs; authorizing certain business entities to pay for prescription drugs obtained by practitioners licensed under ch. 466, F.S.; providing an exemption from permit requirements for the distribution into this state of prescription drug active pharmaceutical ingredients for incorporation into prescription drugs in finished dosage form; requiring a distributor claiming such exemption to maintain a valid license, permit, or registration in the state from which the prescription drug was distributed; requiring compliance with certain recordkeeping requirements; exempting compliance with pedigree paper requirements; providing an exemption from permit requirements for distribution into this state of limited quantities of a prescription drug that has not been repackaged for research and development or to a holder of a letter of exemption issued by the Department of Business and Professional Regulation for research, teaching, or testing; granting the department authority to define the term “limited quantities” by rule and limit therein the number of transactions and amount of prescription drugs distributed into the state; requiring a distributor claiming such exemption to maintain a valid license, permit, or registration in the state from which the prescription drug was distributed; requiring all purchasers and recipients of such prescription drugs to ensure the products are not resold or used on humans except in lawful clinical trials and biostudies; requiring com-

pliance with certain recordkeeping requirements; exempting compliance from pedigree paper requirements; providing labeling requirements for active pharmaceutical ingredients distributed within the state for teaching, testing, research, and development; exempting from out-of-state prescription drug wholesale distributor permit requirements intracompany transactions or the sale of prescription drugs from an out-of-state distributor to a distributor in this state if both distributors conduct wholesale distributions under the same business name; requiring compliance with recordkeeping and pedigree paper requirements; allowing distributors and recipients of prescription drugs claiming exemption from certain permitting requirements to maintain on file their FDA registration number, resident state distributor license or permit number, and most recent resident state or FDA inspection report; providing that persons claiming such exemptions are subject to part I of ch. 499, F.S., the Florida Drug and Cosmetic Act; requiring persons claiming such exemptions to make all records regarding prescription drug distribution available to the department, upon request, within 48 hours; requiring submission of a report of mishandled or adulterated prescription drugs within 14 days after receipt of such drugs; authorizing the department to adopt rules; providing that failure to comply with requirements or rules governing such exemptions constitutes unlawful purchase or receipt of a prescription drug from a person not authorized to distribute prescription drugs to that purchaser or recipient; providing that knowing failure to comply with such requirements constitutes unlawful sale, distribution, purchase, trade, holding, or offering of a drug; providing penalties; providing construction with respect to federal and state laws relating to controlled substances; providing that a prescription drug repackager permit is not required for certain restricted prescription drug distributor permitholders that distribute prescription drugs to certain hospitals or other health care entities; exempting certain restricted prescription drug distributors from product registration requirements; providing an effective date.

By the Committees on Budget Subcommittee on Finance and Tax; Community Affairs; and Communications, Energy, and Public Utilities; and Senators Bogdanoff and Lynn—

CS for CS for CS for SB 1060—A bill to be entitled An act relating to communications services tax; creating the Communications Services Tax Working Group; housing the working group in the Department of Revenue for administrative purposes; providing for membership; limiting the reimbursement of members for per diem and travel expenses; providing issues that the working group will study; requiring the working group to hold meetings; providing for a report to the Governor and Legislature by a certain date; providing an effective date.

By the Committee on Budget Subcommittee on Finance and Tax; and Senators Detert and Gardiner—

CS for SJR 1064—A joint resolution proposing an amendment to Section 3 of Article VII and the creation of Section 32 of Article XII of the State Constitution to provide an additional exemption from ad valorem taxes on tangible personal property valued at more than \$25,000 but less than \$50,000, to authorize a county or municipality to provide an additional exemption from ad valorem taxation for tangible personal property by ordinance, and to provide an effective date.

By the Committees on Budget Subcommittee on Finance and Tax; Community Affairs; and Commerce and Tourism; and Senator Altman—

CS for CS for CS for SB 1108—A bill to be entitled An act relating to taxation; amending s. 196.199, F.S.; providing an exemption from intangible tax for lessees performing a governmental, municipal, or public purpose or function; providing for retroactive application; clarifying that certain provisions of the act are remedial and do not create a right to a refund; amending s. 212.08, F.S.; exempting certain items used to manufacture, produce, or modify aircraft engines and gas turbine engines and parts from the tax on sales, use, and other transactions; revising provisions relating to an exemption for machinery and equipment used to increase productive output; amending s. 220.14, F.S.; increasing the amount of income that is exempt from taxation; providing applicability; amending s. 220.63, F.S.; increasing the amount of income that is exempt from the franchise tax imposed on banks and savings associations; providing applicability; authorizing the executive director of the

Department of Revenue to adopt emergency rules; providing effective dates.

By the Committees on Budget Subcommittee on Finance and Tax; and Community Affairs; and Senator Norman—

CS for CS for SB 1182—A bill to be entitled An act relating to public housing; amending s. 83.56, F.S.; revising provisions for terminating a rental agreement that involves rent subsidies received from a local, state, or national government; amending s. 421.02, F.S.; revising a declaration of necessity; providing that access to essential commercial goods and services for persons of low income served by housing authorities is a public use; amending s. 421.03, F.S.; reordering and revising definitions applicable to the Housing Authorities Law; revising the definition of the term “housing project”; defining the term “essential commercial goods and services”; amending s. 421.08, F.S.; prohibiting the use of eminent domain for certain purposes; expanding certain powers of housing authorities to include certain commercial projects providing essential goods and services; providing for the use of revenues received from such projects; amending s. 421.09, F.S.; conforming a cross-reference; reenacting and amending s. 421.21, F.S., relating to tax exemptions applicable to housing authorities created pursuant to certain federal programs; amending s. 421.32, F.S.; conforming a cross-reference; amending s. 422.02, F.S.; revising a declaration of necessity; providing that there exists a shortage of access to essential commercial goods and services necessary for daily living for persons of low income; amending s. 422.04, F.S.; expanding certain powers of state public bodies to include certain commercial projects providing essential goods and services; amending s. 423.01, F.S.; revising and providing findings and declarations of property of tax exemption for housing authorities relating to access to essential commercial goods and services necessary for daily living for persons of low income; amending s. 423.02, F.S.; clarifying that activities or property of certain persons is not exempt from taxes and special assessments; providing that real property of a housing authority which is used to provide access to essential commercial goods and services is exempt from ad valorem taxes and special assessments; providing organizational and editorial changes for purposes of clarifying various provisions; amending s. 420.507, F.S.; authorizing Florida Housing Finance Corporation to set aside a portion of its federal and state funding to fund housing for economic development initiatives, veterans’ housing, and housing for other special needs populations; authorizing the use of competitive requests for proposal to fund projects; providing an effective date.

By the Committee on Budget Subcommittee on Finance and Tax; and Senator Bennett—

CS for SB 1384—A bill to be entitled An act relating to taxes; amending s. 196.199, F.S.; providing an exemption from intangible tax for lessees performing a governmental, municipal, or public purpose or function; amending s. 212.08, F.S.; expanding exemptions from the sales and use tax on labor and parts and equipment used in aircraft repairs on certain aircraft weighing more than 2,000 pounds; providing for retroactive application of certain provisions of the act and clarifying that such provisions are remedial and do not create a right to a refund; providing effective dates.

By the Committee on Community Affairs; and Senators Bennett and Dean—

CS for SB 992—A bill to be entitled An act relating to regulation of hoisting equipment used in construction, demolition, or excavation work; creating s. 489.1138, F.S.; defining the terms “hoisting equipment,” “mobile crane,” and “tower crane”; requiring an applicant for a building permit to submit certain information to a local building official; requiring radio communications between certain crane operators; requiring certain preparations for a hurricane or high-wind event; requiring a preparedness plan for certain cranes; requiring that hoisting equipment be secured in a specified manner under certain circumstances; providing penalties for violation of the act by certain licensed contractors; preempting regulation of hoisting equipment and persons operating the equipment to the state; providing that the act does not apply to the regulation of elevators or to airspace height restrictions; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 691 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Agriculture & Natural Resources Subcommittee and Representative(s) Frishe, Patronis—

CS for HB 691—A bill to be entitled An act relating to beach management; amending s. 161.041, F.S.; specifying that demonstration to the Department of Environmental Protection of the adequacy of a project's design and construction is supported by certain evidence; authorizing the department to issue permits for an incidental take authorization under certain circumstances; requiring the department to adopt certain rules involving the excavation and placement of sediment; requiring the department to justify items listed in a request for additional information; requiring the department to adopt guidelines by rule; providing legislative intent with regard to permitting for periodic maintenance of certain beach nourishment and inlet management projects; requiring the department to amend specified rules to streamline such permitting; providing a permit life for certain joint coastal permits; amending s. 161.101, F.S.; requiring the department to maintain certain beach management project information on its website; requiring the department to notify the Governor's Office and the Legislature concerning any significant changes in project funding levels; amending s. 403.813, F.S.; providing a permit exemption for certain specified exploratory activities relating to beach restoration and nourishment projects and inlet management activities; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Community Affairs; and Budget.

RETURNING MESSAGES ON SENATE BILLS

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed SB 1958, SB 1960, SB 1964, SB 1968, SB 1986, SB 1990, SB 1994, SB 1996, and SB 1998, as amended, and having refused to pass these bills as passed by the Senate, the House accedes to the request of the Senate to include the bills in the budget conference.

Robert L. "Bob" Ward, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journals of February 23 and February 24 were corrected and approved.

CO-INTRODUCERS

Senators Evers—SB 1360; Fasano—CS for CS for SB 406; Storms—CS for CS for CS for SB 502

Senator Bennett was recorded as introducer of CS for SB 992.

RECESS

On motion by Senator Thrasher, the Senate recessed at 11:12 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Tuesday, February 28 or upon call of the President.

SENATE PAGES

February 27-March 2, 2012

Kaitlyn Alborn, Tallahassee; Anthony Barroso, Miami; Ashley Cohrs, Gainesville; Tyler Cowan, DeLand; Margaret Harris, Winter Garden; Jeremy Jones, Tallahassee; Cheyenne Puckett, Rockledge; Jordan Prutsman, Tallahassee; Nathan Snipes, Inverness; Miranda Wilson, Panama City

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CO — Co-Introducers
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